**CHAPTER 93: OPEN BURNING**

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 **93.01   DEFINITIONS**

**FIRE DISTRICT:**The East Umatilla County Fire and Rescue.

**FIRE SEASON:**  That period of time during which no burning is allowed as declared by Fire District.

**OPEN BURNING:**  Any burning conducted in such a manner that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including but not limited to burning conducted in open outdoor fires, common burn barrels and backyard incinerators.

 **93.02   FIRE SEASON**

1. No person shall engage in Open Burning during the Fire Season
2. The Fire District may authorize a fire for the purpose of weed abatement, prevention or elimination of a fire hazard, or any circumstance that may be in the health and safety interest of the public. The Fire District may authorize a fire for the purpose of training fire fighters.

(C) Summer burning restrictions will typically be July 1 through September 30. These dates may be adjusted based on the fire danger to the City considering environmental and other factors.

Violation of this Section shall be considered a “D” violation as defined by the ORS Chapter 153.

(Ord. 4-180(1), passed - - ) Penalty, see 93.99

 **93.03   OFFENSIVE ODORS**

No person shall burn any material which causes an offensive odor, excessive smoke that may block visibility on public roadways, or other health and safety conditions.

 Violation of this Section shall be a “D” violation as defined by ORS Chapter 153.

(Ord. 4-180(1), passed - - )  Penalty, see 93.99

 **93.04   BURNING PERMIT**

 Open Burning with City limits is not allowed without a burn permit issued by the Fire District. Burn permits will be issued free of charge to City residents. The Fire District may request identifying and contact information for the Person requesting the burn permit.

 Violation of this Section shall be a “D” violation as defined by the ORS Chapter 153. The Fire District or Law Enforcement may revoke a burn permit for any violation of this ordinance.

(Ord. 4-180(1), passed - - )  Penalty, see 93.99

 **93.05   PROHIBITED MATERIALS**

(A) D.E.Q. prohibited materials. There shall be no Open Burning of materials which are expressly prohibited by law, and/or which emit dense or toxic smoke or noxious odors. Material prohibited from being burned by OAR 340, Division 264, such as, but not limited to:

1. Any wet garbage;
2. Plastic;
3. Asbestos

(4) Wire insulation;

(5) Automobile parts;

(6) Asphalt, petroleum products or petroleum treated products;

(7) Rubber product;

(8) Animal remains or animal or vegetable matter resulting from the handling, preparation, cooking or service of food; and

(9) Any other material which normally emits dense smoke or noxious odors.

(B) Tree stumps. Tree stumps may not be burned unless they have been removed from the ground and let dry, so they will burn reasonably clean without creating dense smoke and without smoldering for an extended period of time. Tree stumps must be completely burned out by nightfall.

1. Paper products*.*  Open Burning of rubbish containing paper products is prohibited, except in burn barrels equipped with an adequate spark arrester metal screen.

Each initial violation of this Section shall be a “B” violation as defined by ORS chapter 153. The third and subsequent offenses shall be an “A” violation.

(Ord. 4-180(1), passed - - )  Penalty, see 93.99

**93.06   HOURS FOR BURNING**

 Open Burning will be allowed during daylight hours (dawn to dusk). All Open Burning must be attended by a person who is 18 years of age or older and physically capable of controlling the fire. Social fires must be out by 10 pm.

Violation of this section shall be considered a “C” violation as defined by ORS chapter 153.

**93.07 SOCIAL FIRES**

 Small social fires are allowed on private property outside of burn hours, provided the fires are contained in a store-bought outdoor UL fire pit, and proper precautions are place to control the fire and not unduly disturb neighbors or passersby.

 Proper precautions include but are not limited to:

 1) Easy access to sufficient water to control the fire.

 2) An area of 15 feet around the fire pit that is free of vegetation or debris that could be ignited by the fire.

 Social fires still must comply with Fire Season restrictions.

 Social fires must be attended by a person who is 18 years of age or older and physically capable of controlling the fire. Persons who are impaired due to alcohol or other substances are not considered capable of controlling the fire. Social fires may not be used to burn leaves or grass, and may not emit large amounts of smoke.

 A representative of the Fire District or Law Enforcement may order small social fires to be extinguished at their discretion, based on the circumstances of the fire.

Violation of this section is a “B” violation as defined by the ORS chapter 153.

 (Ord. 4-180(1), passed - - )  Penalty, see 93.99

**93.08 EXTINGUISHMENT ORDER**

A representative of the Fire District or Law Enforcement may order a fire to be extinguished when the fire violates this ordinance or poses a risk to the safety of person(s) or property in the City. When ordered to so, the person responsible shall immediately take measures to extinguish the fire in a quick and safe manner. Alternatively, the representative of the Fire District or Law Enforcement may take reasonable steps to extinguish the fire.

Violation of this section is an “A” violation as defined by ORS chapter 153.

 **93.99   PENALTY**

Penalties for violations of this Ordinance are defined in each section. In addition, the Fire District or Law Enforcement may pursue criminal charges, or refer the incident to the Oregon Department of Environmental Quality.

In addition to any penalty imposed by law or by this ordinance, the City and/or the Fire District may collect from the responsible person any costs incurred to suppress any fire found to be caused by such person’s negligent or reckless act, or otherwise in violation of this ordinance.

Any person who is responsible for a fire that damages the property of another shall pay restitution as ordered by the Municipal Court.

 (Ord. 4-180(1))